

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Matthew Donaghy	Team: Squad #2	CCRB Case #: 201905303	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 05/30/2019 11:30 PM	Location of Incident: 1st Precinct stationhouse	Precinct: 01	18 Mo. SOL 11/30/2020	EO SOL 7/17/2021	
Date/Time CV Reported Mon, 06/17/2019 10:17 AM	CV Reported At: Precinct	How CV Reported: In-person	Date/Time Received at CCRB Tue, 06/18/2019 11:00 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Manuel Almanzar	08159	937968	001 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM David Caro	19012	943052	001 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Manuel Almanzar	Abuse: Police Officer Manuel Almanzar did not obtain medical treatment for § 87(2)(b)	

Case Summary

On June 17, 2019, § 87(2)(b) reported the following complaint in person at the 1st Precinct stationhouse to Sergeant Yingyin Yu of the 1st Precinct, generating an in-person Civilian complaint report (Board Review 01). On June 18, 2019, that complaint was referred to the CCRB. On June 18, 2019, IAB received an email from Sergeant Yu about § 87(2)(b)'s complaint, generating log #§ 87(2)(b). On June 28, 2019, IAB referred that complaint to the CCRB via log # § 87(2)(b) (Board Review 02). On June 28, 2019, § 87(2)(b) called IAB directly to report her complaint, generating log #§ 87(2)(b). On July 5, 2019, IAB referred that complaint to the CCRB via log #§ 87(2)(b) (Board Review 03).

At approximately 11:30 p.m. on May 30, 2019, § 87(2)(b) entered the 1st Precinct stationhouse in order to make a criminal complaint. § 87(2)(b) was allegedly visibly medically distressed, suffering from mouth ulcers, the after-effects of a stroke, and motor control issues stemming from an MRI earlier that same day. In the 1st Precinct stationhouse § 87(2)(b) first spoke to Police Officer David Caro of the 1st Precinct, and then spoke to Police Officer Manuel Almanzar of the 1st Precinct. During an alleged verbal dispute with Police Officer Almanzar, § 87(2)(b) requested that Police Officer Almanzar help her obtain medical treatment. Police Officer Almanzar allegedly refused to obtain medical attention for § 87(2)(b) (**Allegation A: Abuse of Authority – Refusal to obtain medical treatment,** § 87(2)(g) § 87(2)(b) then left the 1st Precinct stationhouse.

§ 87(2)(b) provided an inaccurate date for this incident, stating that it occurred on the evening of May 31, 2019, instead of the evening of May 30, 2019. It was on the basis of this initial, inaccurate information that the investigation obtained footage of the 1st Precinct stationhouse, which is stored in IA # 29 (Board Review 04) and summarized in IA # 40 (Board Review 05). Before an accurate date and time for this incident could be determined, the relevant stationhouse video footage expired.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Manuel Almanzar did not obtain medical treatment for § 87(2)(b)

On June 25, 2019, § 87(2)(b) provided a telephone statement to the CCRB (Board Review 06). On June 26, 2019, § 87(2)(b) was interviewed at the CCRB. On August 13, 2019, Police Officer Almanzar was interviewed at the CCRB. On September 12, 2019, Police Officer Caro was interviewed at the CCRB. On September 13, 2019, Police Officer Patrick Carew of the 1st Precinct was interviewed at the CCRB.

§ 87(2)(b) stated that at approximately 11:30 p.m. on May 31, 2019, she entered the 1st Precinct stationhouse with the intention of reporting a criminal complaint. § 87(2)(b) wished to report that she had been assaulted and robbed by an Uber driver approximately one hour before coming to the 1st Precinct stationhouse. During her time in the 1st Precinct stationhouse § 87(2)(b) was medically distressed. In addition to suffering from previously existing medical conditions, including the after-effects of a stroke and mouth ulcers which impeded her intelligibility, § 87(2)(b) was experiencing what she believed to be an adverse reaction to dye contrast used in an

MRI she had taken earlier that same day. § 87(2)(b) had been at a wine bar approximately one hour before entering the 1st Precinct stationhouse, but had only drank one glass of wine.

§ 87(2)(b) entered the 1st Precinct stationhouse and briefly spoke to an officer, who the investigation identified as Police Officer Caro. Police Officer Caro told § 87(2)(b) to go sit in a waiting area, which she did so. A short time later Police Officer Almanzar approached § 87(2)(b) and began to speak with her. During this conversation § 87(2)(b) reported that she had been assaulted and robbed by an Uber driver. However, § 87(2)(b) believed that Police Officer Almanzar did not take her complaint seriously because the net effect of her medical conditions made her seem like she was “high on drugs.” Police Officer Almanzar asked if § 87(2)(b) was intoxicated and § 87(2)(b) replied negatively. § 87(2)(b) began crying, stated to Police Officer Almanzar that she was sick, and requested that he take her to the hospital. Police Officer Almanzar replied that he could not help her. Shortly afterwards § 87(2)(b) left the stationhouse without an ambulance being called or any medical attention being provided to her.

Police Officer Caro stated that at approximately 11:30 p.m. on May 30, 2019, he encountered a female civilian in the lobby of the 1st Precinct stationhouse, who the investigation determined to be § 87(2)(b). § 87(2)(b) appeared healthy, had no problems speaking, and seemed to only be slightly intoxicated, if at all. § 87(2)(b) stated to Police Officer Caro that she had lost some property but was unable to recall where. Police Officer Caro suggested that § 87(2)(b) make a police report about the incident, but did not take the report himself as he had to leave the stationhouse.

Police Officer Almanzar stated that on the evening of May 30, 2019, he spoke to § 87(2)(b) called the wine bar that she had been at in order to determine if she had left her property there, and took a police report based on her information. § 87(2)(b) did not seem to be intoxicated and did not appear to be medically distressed. § 87(2)(b) did not state to Police Officer Almanzar that she needed medical treatment, and did not request medical treatment from Police Officer Almanzar. § 87(2)(b) then left the 1st Precinct stationhouse without incident.

Patrol Guide Procedure Number 216-01 (Board Review 07) is the applicable procedure during any occurrence in which non-prisoner individual requires medical assistance because they are sick or injured. A member of service, upon becoming aware of such circumstances, must render reasonable aid to the sick or injured person and must request an ambulance or doctor if necessary.

§ 87(2)(g)
[REDACTED]

Civilian and Officer CCRB Histories

- This is the 1st CCRB complaint to which § 87(2)(b) has been a party (Board Review 08).

- Police Officer Manuel Almanzar has been a member of service for 14 years. This is the first CCRB complaint in which he has been a subject.

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- § 87(2)(b) .
- On October 25, 2019, a FOIL request was sent to the Office of the New York City Comptroller requesting any notice of claim filed in relation to this incident. Upon receipt the response to this FOIL request will be added to the case file.

Squad No.: 2

Investigator: _____

Signature	Print Title & Name	Date
-----------	--------------------	------

Squad Leader: _____

Signature	Print Title & Name	Date
-----------	--------------------	------

Reviewer: _____

Signature	Print Title & Name	Date
-----------	--------------------	------